

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.19235 of 2004

Between:

A1 Kabeer Exports Pvt. Ltd, Rudraram (Village),
Patancheru (Mandal), Medak District, Rep. by its General Manager Mr.Sadanand.

...PETITIONER

AND

1. The Deputy Commissioner of Labour-cum-Registrar of Trade Union,
Ranga Reddy District Zone, T.Anjaiah Karmikha Bhavan, R.T.C.Cross
Roads, Hyderabad.
2. The Assistant Commissioner of Labour, Patancheru Mandal, Medak
District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue suitable order, direction or a writ particularly one in the nature of Mandamus declaring action of the 1st respondent for ordering the re-verification of the records of the petitioner company vide proceedings bearing No. C/3947/2004 dated 30.09.2004 as illegal, arbitrary and contrary to provisions of the trade union Act and to set aside the same in the interest of justice and equity.

Counsel for the Petitioner: MR.C.NIRAJAN RAO

Counsel for the Respondents: GP FOR LABOUR

The Court made the following:

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THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO.19235 of 2004

ORDER:

The petitioner seeks a writ of Mandamus declaring the action of the first respondent in directing re-verification of the records of the petitioner company vide letter dated 30.09.2004 as arbitrary and illegal.

A perusal of the impugned letter dated 30.09.2004 issued by the 1st respondent - Deputy Commissioner of Labour, shows that though the petitioner has furnished the list of workmen, it appears that a complaint was received that the said list includes Executives/Managers, resigned employees, city office staff, contract labour and dead persons and therefore the petitioner has been required to furnish a list of workmen to the 2nd respondent as per Section 2 (S) of the Industrial Disputes Act, working in their factory at Rudrarum as on 22.09.2004 within 3 days. The contention of the petitioner is that since they have already furnished the list on 11-09-2004 which was already verified by the team of officers, including the second respondent, who actually visited the petitioner's factory on 25-09-2004 and verified the records in the presence of the officers as well as the workmen, the impugned letter, under which a re-enquiry is directed is illegal and unjustified .

I do not find any merit in the said contention. The purport of the impugned letter dated 30.09.2004 is that since there was a complaint that the list already furnished by the petitioner includes resigned employees as well as some of the dead persons, the first respondent thought it fit to re-verify the list and therefore

directed the petitioner to provide a fresh list of workmen. Nothing has been placed before this Court to show that such a course is not open and that the impugned action of the first respondent is in violation of any statutory provision. As a matter of fact, it does not appear that any enquiry as such is initiated under the impugned letter. In the circumstances, there is no cause of action for filing the writ petition and the interference of this Court at this stage is not at all warranted. Accordingly, the Writ Petition is disposed of, granting liberty to the petitioner to furnish fresh list of workmen as sought for in the impugned letter, within three days from the date of receipt of a copy of this order. No costs.

(G.ROHINI, J)

14th October 2004

Note: CC by two days

B/O

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Deputy Commissioner of Labour-cum-Registrar of Trade Union,
Ranga Reddy District Zone, T.Anjaiah Karmikha Bhavan, R.T.C.Cross
Roads, Hyderabad.
2. The Assistant Commissioner of Labour, Patancheru Mandal, Medak
District.
3. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).
4. Two CD copies.